

**IN THE CHANCERY COURT
FOR WASHINGTON COUNTY, TENNESSEE
AT JONESBOROUGH**

BOBBY MacBRYAN GREEN,

PLAINTIFF / PETITIONER,

v.

**JODI JONES,
HOWELL SHERROD,
BETTY ANN POLAHA, and
MARY LEE JONDAHL,**

Civil Action No. 41049

DEFENDANTS / RESPONDENTS.

**PLAINTIFF'S RESPONSE
TO DEFENDANT'S MOTION TO DISMISS**

1. NOW COMES Plaintiff/Petitioner, Bobby MacBryan Green, and moves the Court to deny Defendant's *Motion to Dismiss*. Plaintiff asks the Court to recognize that Defendant Sherrod has failed to allow Plaintiff adequate time for preparation of a well-researched or well-integrated Response, and that this document is merely an emergency measure. Plaintiff would respectfully call the attention of the Court to the following :

2. Plaintiff has this day filed a *Motion to Quash*, a *Motion for Temporary Injunction*, and a *Motion for Supplemental Pleadings*.

3. Until the ambiguity set forth in this paragraph is resolved, Plaintiff

should not be required to further respond. ~ While from the content of Defendant Sherrod's filed *Motion to Dismiss* and *Notice* it appears that Sherrod is representing himself and all Defendants, those papers are not signed as "Attorney for Defendants Sherrod, Jones, Jondahl, and Polaha." The *Notice* is signed "Attorney for Defendant." Plaintiff is also now unsure of the proper mailing address to be used, because of the way Defendant Sherrod has signed his *Answer*, *Motion*, and *Notice* using his professional address rather than the address in the *Summons* and *Complaint*. Plaintiff is unable to decipher Defendant Sherrod's three *Certificates of Service* dated 29 June 2011. Without giving any identifying information, those *Certificates* state that copies have been served upon "counsel for all parties of interest ... at her office ..."

4. The *Motion to Dismiss* relies upon the Affidavits of Defendants Jondahl, Jones, and Jones' mother Polaha. All three affidavits consist almost entirely of the same sweeping legal conclusions without proper foundation.

5. Each affidavit assiduously avoids revealing any specific relevant facts, such as :

(a) when, by what method, and to whom the Call for the special meeting was delivered;

(b) the names of the officers and committee chairs physically present in the room when business was discussed and when any vote was taken;

(c) whether any votes were accepted by letter, proxy, telephone, etc.;

(d) the number of votes cast and by what method;

(e) in what manner the charges and specifications against Plaintiff were presented, as well as the content thereof;

(f) in what manner the proof against Plaintiff was presented, as well as the content of that proof;

(g) the standard used to adjudge Plaintiff to be incapacitated or negligent;

(h) at what time the gathering was called to order, and at what time it adjourned;

(i) the role played by Defendant Sherrod as Referee, as well as the source of authorization for a referee.

(j) the provision under which Plaintiff was “removed as President of Southside Neighborhood Organization.”

Plaintiff has requested the above information from the SNO Secretary, Defendant Betty Ann Polaha, but has received no reply.

6. Because of the obfuscating nature of these Affidavits, Plaintiff asks the Court to require, pursuant to Rule 43.02, Tennessee Rules of Civil Procedure, that the Affiants testify and be cross-examined regarding their relevant actions and the specific facts.

7. Defendant’s *Answer*, at paragraph 19, elucidates Defendant’s reasoning for the *Motion to Dismiss*: “.... the allegations on which relief has been sought have already occurred, rendering any judgment moot.”

8. Plaintiff avers that over many months he has diligently studied the SNO Bylaws and SNO Special Rules of Order and Robert's Rules of Order, Newly Revised. Based upon this prolonged study and upon information and belief, Plaintiff alleges that there has occurred no SNO meeting at which business resulting in removal of Plaintiff from the office of President could possibly have been transacted lawfully,

9. Plaintiff respectfully asserts that he, not Jodi Jones, is the rightful President of Southside Neighborhood Organization, and that the Defendants err in stating otherwise.

10. Defendant Sherrod was named in the *Complaint* because of his announced willingness to act as Referee for proceedings to improperly remove Plaintiff from office. Defendants Jones, Polaha, and Jondahl were named in the *Complaint* because of their status as SNO executive officers and their manifest intent to remove Plaintiff from office by improper means. A meeting of the SNO Executive Board cannot be Called for any purpose without the consent and participation of at least one SNO officer, and restraint of the Defendants would effectively prevent future improper Board proceedings against Plaintiff.

11. Plaintiff respectfully avers that he labored mightily in an attempt to obtain the Court's emergency preventative intervention, and he trusts that the Court will not now reject his ongoing plea for intervention and redress. The *denial* of Plaintiff's *Petition for Restraining Order* was largely based upon the Court's

ability to promptly to set aside or void any improper SNO proceedings.

12. Plaintiff prays the Court to deny the *Motion to Dismiss* and to grant *Plaintiff's Motion for Temporary Injunction* and *Plaintiff's Motion for Supplemental Pleadings*.

This the 5th day of July 2011.

Respectfully submitted,

Bobby MacBryan Green, MD
Petitioner/Plaintiff pro se
404 Holly Street
Johnson City, Tennessee 37604
423.928.1219

Affidavit and Certificate of Service : Bobby MacBryan Green, after having been duly sworn and deposed, says : I am the Plaintiff/Petitioner in this matter. On this day I served a true and accurate copy of the attached *Plaintiff's Response to Defendant's Motion to Dismiss* upon Defendant/Respondent :

Jodi Jones, 315 W. Locust Street, Johnson City, TN 37604

Mary Lee Jondahl, 313 W. Locust Street, Johnson City, TN 37604

Betty Ann Polaha, 616 W. Pine Street, Johnson City, TN 37604

Howell Sherrod, 723 W. Locust Street, Johnson City, TN 37604

as well as :

Howell Sherrod, Attorney for Defendant[s], 249 East Main Street, Johnson City, TN 37604

by placing the same in an official depository of the U.S. Postal Service, first class, postage prepaid, on this the 5th day of July 2011.

Bobby MacBryan Green, Plaintiff/Petitioner pro se

WASHINGTON COUNTY, TENNESSEE

Bobby MacBryan green, with whom I am personally acquainted and who also produced trustworthy identification, personally appeared before me this day, and after being duly sworn, executed the above Affidavit and Certificate of Service. This the 5th day of July 2011.

Deputy Clerk and Master